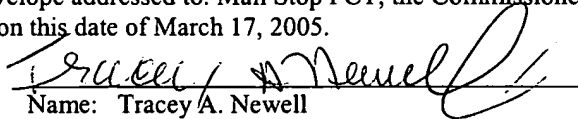


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|             |  |   |                          |
|-------------|--|---|--------------------------|
| Applicant:  | Andreas DERR   | : |                          |
| Serial No.: | 10/511,418   | : | Art Unit: To be assigned |
| Filed:      | October 14, 2004                                       | : | Examiner: To be assigned |
| For:        | <b>MEASURING DEVICE WITH<br/>PENETRATING ELECTRODE</b> | : | Atty. Docket: WEM-07701  |

**Certificate of Mailing**

I hereby certify that the foregoing documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop PCT, the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date of March 17, 2005.

  
Name: Tracey A. Newell

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants and/or their attorney in compliance with the requirements of 37 C.F.R. 1.56. Copies of the documents are also being submitted.

Since this IDS is being filed prior to a first Office Action on the merits for this case, no fee is due. In accordance with 37 C.F.R. 1.98, References AI, AJ, AK, AL and AM listed are publications cited by an International Search Report (copy attached) for a counterpart of the above-referenced application. Also enclosed are copies of two German Office Actions (English translations attached). The relevance of non-English language references is set forth in the Search Report and German Office Actions. Applicants note References AE, AF, AK and AS are publications that are discussed in the present application. In addition, Reference AA is a U.S. patent that corresponds to Reference AI; Reference AB is a U.S. patent that corresponds to Reference AJ; Reference AC is a U.S. patent that corresponds to Reference AK; and Reference AD is a U.S. patent that corresponds to Reference AL.

The Examiner is respectfully requested to initial the space adjacent to each document on the PTO-1449 form and return a copy of the PTO-1449 form to confirm that these documents have been considered by the Examiner and made of record in this application.

Although we believe that we have appropriately provided for any fees due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to/from our **Deposit Account No. 031721**. Two originally-executed copies of this form are being submitted.

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 248-4038.

Respectfully submitted,  
CHOATE/HALL & STEWART LLP

A handwritten signature in black ink, appearing to read 'Donald W. Muirhead', is written over a horizontal line.

Donald W. Muirhead  
Registration No. 33,978

March 17, 2005

Date

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|  |   |    |   |                          |                  |
|--|---|----|---|--------------------------|------------------|
| Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   |    |   | <b>Complete if Known</b> |                  |
|  |   |    |   | Application Number       | 10/511,418       |
|  |   |    |   | Filed                    | October 14, 2004 |
|  |   |    |   | First Named Inventor     | Andreas DERR     |
|  |   |    |   | Art Unit                 | To be assigned   |
|  |   |    |   | Examiner Name            | To be assigned   |
| Sheet  | 1 | of | 1 | Attorney Docket Number   | WEM-07701        |

| U.S. PATENT DOCUMENTS |                          |   |                                |  |   |
|-----------------------|--------------------------|---|--------------------------------|--|---|
| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                             | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |                          | Number-Kind Code <sup>2</sup> (if<br>known) |                                |  |   |
|                       | AA                       | US- 5,939,610                               | 08-17-1999                     | Iwamoto, et al.                                    |   |
|                       | AB                       | US- 6,051,392                               | 04-18-2000                     | Ikeda, et al.                                      |   |
|                       | AC                       | US- 20030057952                             | 03-27-2003                     | Andreas Derr                                       |   |
|                       | AD                       | US-5,139,641                                | 08-18-1992                     | Neukum   |   |
|                       | AE                       | US- 4,252,124                               | 02-24-1981                     | Maurer, et al.                                     |   |
|                       | AF                       | US- 4,218,299                               | 08-19-1980                     | Lindell, et al.                                    |   |
|                       | AG                       |   |                                |  |   |
|                       | AH                       |   |                                |  |   |

| FOREIGN PATENT DOCUMENTS |                          |  |                                |  |   |                          |
|--------------------------|--------------------------|--|--------------------------------|--|---|--------------------------|
| Examiner<br>Initials*    | Cite<br>No. <sup>1</sup> | Foreign Patent Document  | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appeal | T <sup>6</sup>           |
|                          |                          | Country Code <sup>3</sup> Number <sup>4</sup><br>Kind Code <sup>5</sup> (if known) |                                |  |   |                          |
|                          | AI                       | EP 0 753 737 A2  | 01-15-1997                     | EPO  |   | <input type="checkbox"/> |
|                          | AJ                       | EP 0 964 060 A2  | 12-15-1999                     | EPO  |   | <input type="checkbox"/> |
|                          | AK                       | DE 100 04 583 A1   | 08-16-2001                     | Germany  |   | <input type="checkbox"/> |
|                          | AL                       | EP 0 399 101 A1  | 11-28-1990                     | EPO  |   | <input type="checkbox"/> |
|                          | AM                       | FR 2 618 902 A1  | 02-03-1989                     | France   |   | <input type="checkbox"/> |
|                          | AN                       | DE 42 31 677 C2  | 01-28-1993                     | Germany  |   | <input type="checkbox"/> |
|                          | AO                       | DE 100 34 520 A1   | 01-24-2002                     | Germany  |   | <input type="checkbox"/> |
|                          | AP                       | DE 199 61 210 A1   | 06-28-2001                     | Germany  |   | <input type="checkbox"/> |
|                          | AQ                       | DE 89 12 731 U1  | 02-15-1990                     | Germany  |   | <input type="checkbox"/> |
|                          | AR                       | DE 83 33 874 U1  | 04-05-1984                     | Germany  |   | <input type="checkbox"/> |
|                          | AS                       | DE 38 14 634 A1  | 11-09-1989                     | Germany  |   | <input type="checkbox"/> |

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3.) <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*